

Notice of Allowability

Application No.

09/991,754

Examiner

Tilahun B. Gesesse

Applicant(s)

AALTONEN ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/5/07.
2. ☒ The allowed claim(s) is/are 1-4,6,9-13,15,23,28 and 45-59.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>1/28/08</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Chunhsi Andy Mu on Feb. 14, 2008.

2. The application has been amended as follows:

In claim 1, line 6, after the word ---wherein the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communication network and wherein the unidirectional digital broadband network is a Digital vide broadcast network;--- had been added.

Claims 7-8 have been deleted.

In claim 9, line 5, after the word network-- wherein the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communication network and wherein the unidirectional digital broadband network is a Digital vide broadcast network;--- has been added.

Claims 16-17 and 24-25 have been deleted.

In claim 52, line 3, after the word network--- wherein the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communication network and wherein the unidirectional digital broadband network is a Digital vide broadcast network;--- has been added.

In claim 55, line 4, after the word network--- wherein the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communication network and wherein the unidirectional digital broadband network is a Digital vide broadcast network;--- has been added.

3. The following is an examiner's statement of reasons for allowance: the prior art of record Mc Kanna et al (US 6,681,115) teaches an apparatus (see figures 1-2 in particular item # 100 and 118). McKenna teaches a processor(118) operable to initiate delivery of content a through first wireless network(126 and 123) in response to a criterion being met by data derived from a second wireless network 141,142,143 of figure 1B)((see abstract, column 18, line 65-column 22, lines 50 ,col. 24, line 5-co1.25, line 7, column 26, line 65-column 27,line 8 and figures 1-2). McKenna teaches Memory (119 with program managers 113 and 114) storing computer readable instruction executed by the processor (see column 28 lines 40-60 and figures 9-10). McKenna teaches determining a number of active terminals in an area based on data derived form the second wireless network, (see column 27 line 60 through column 28 line 60 column 19, lines 8-16, col. 20, line 64-col. 21, line 43).

On the other hand, the present application specifically discloses the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communication network and wherein the unidirectional digital broadband network is a Digital vide broadcast network. These limitations, in conjunction with all other limitations, has not been disclosed, suggested or made obvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 8, 2008

Tilahun B Gesesse
Primary Examiner
Art Unit 2618


TILAHUN GESESSE
PRIMARY EXAMINER